

Planning Commission UDO Public Hearing Comments

The comments below represent all written comments submitted at the joint public hearing, all Planning Commission comments received during the subgroup meetings and any staff identified comments. Each comment contains a staff response to explain the regulation and a recommendation. Any recommended change to the text is shown as ~~strikethrough text~~ to be removed and **bold text** for additions.

The comments are organized sequentially by section. Each comment is individually numbered. For the sake of clarity, similar comments are grouped with one staff response. The report is organized in three sections: public comments (in black text), Planning Commission comments (in blue text) and staff comments (in purple text).

Chapter 3 Comments

Section 3.1.1.D

Comment A.9: The NX district should not be limited to 10 acres in size if a viable retail development is desired. Recommend limiting square footage would be better i.e. 100,000 sq feet for NX.

Response: The Neighborhood Mixed Use district permits retail, office and residential uses. The UDO specifies that the maximum size of a property zoned NX is 10 acres. The intention of this maximum is to ensure small-scale retail. The district will be used for non-residential properties located within or in close proximity to neighborhoods. By comparison, the Ridgewood Shopping Center located at Ridge Road and Wade Avenue is approximately 8.5 acres in size and contains approximately 93,000 square feet.

The commenter suggests that instead of utilizing a maximum parcel size, a maximum square footage should be used. Staff disagrees with this idea. It is much simpler to track the parcel size at time of rezoning without tracking the maximum square footage that may ebb and flow over time. Additionally, would the maximum cap of 100,000 square feet only apply to retail, or are all uses included?

It should also be noted that when using the maximum lot size method, urban development that utilize parking reductions would be penalized, as the square footage yield remains static at 100,000 square feet. When regulating the maximum parcel size, urban projects that capitalize on parking reductions would not be permitted to take advantage increased square footage.

Recommendation: Staff recommends no change to the text.

Section 3.3.3

Comment A.10: Building Massing standards – step backs, upper floor plate max size and spacing between towers; Modify to provide a range of acceptable step backs; increase upper floor plate max size to 25,000 SF; decrease upper floor spacing requirement to 75 feet.

Response: The UDO provides standards such as stepbacks, floor plate size and tower spacing for large buildings. These are new standards not contained in the current zoning code. A third story stepback is required for buildings taller than six stories; a 12 story stepback is required for buildings taller than 12 stories. The stepback would be at least 10 feet in depth, up to a maximum of 15 feet in depth for taller buildings.

The commenter states that the stepback regulations should be altered to provide an acceptable range. A building that is six stories or more would require a stepback at the third story. Taller buildings would require a stepback at the 12th story. This standard is available for an administrative alternate.

Staff also agrees that the maximum floorplate can be increased to 25,000 square feet. Staff disagrees with the reduction in spacing between towers. An administrative alternate is available for any of these regulations as well.

Recommendation: Staff recommends that Section 3.3.3.D1 should be modified to 25,000 square feet. Staff recommends no further changes to the text.

Comment D.3: The relationship between building height and street width should be established, this was previously covered in "Design Guidelines" for various areas which the UDO presumably replaces, but needs to be established by code.

Response: The UDO sets maximum building heights for the mixed use districts. The relationship between street width and building height was a previous regulation for the downtown first fire district. This regulation permitted a maximum building height twice the width of the street right-of-way. The streets located in downtown are a maximum of 66 feet in width. This resulted in a maximum building height cap of 132 feet. This regulation was removed from the zoning code more than 20 years ago.

The commenter states that a relationship should be established. It is unclear if the commenter wishes to reinstitute the previous standard, or if a new set of contextual standards should be established in the UDO. The issue with applying a height-to-street width standard is that the tallest buildings in the City are generally located on some of the smallest streets. There is a certain economy in locating very dense buildings on existing right-of-way taking advantage of existing infrastructure.

Recommendation: Staff recommends no change to the text.

Section 3.4.2

Comment A.11: Parking Decks with urban frontages – need clarity with regard to the degree of “screening” and “hiding” features.

Response: Section 3.4.2 provides the requirements for parking structures located in urban frontages. The regulations require that the ground story must contain active uses. All upper story parking must provide screening so that the vehicles are not visible from the right-of-way. The regulations do not prescribe the exact treatment, as this is left to the designer.

Recommendation: Staff recommends no change to the text.

Section 3.4

Comment A.16: There are several significant issues in the Street Frontages section 3.4 - Methodology & consistency of application: Will the frontages be applied in a patchwork pattern? Will accepting frontages show up as conditions of re-zonings and site plans?

Response: Frontages will be applied through the rezoning process. There are eight different frontages. Not every mixed use property will receive a frontage. Frontages are a component of zoning, and will not be applied through conditions of approval; rather they will be applied through the legislative rezoning process.

The proposed urban form map provides a framework for application of the frontages. This map, along with suggested policy guidance, would provide guidance during a rezoning. In some cases, frontage would be required for Comprehensive Plan consistency.

Recommendation: Staff recommends no change to the text, as the questions will be answered during the rezoning phase.

Comment A.17: An additional frontage type is recommended to accommodate traditional suburban type retail patterns such as grocery and big box anchored neighborhood and power centers. Note: other than the front of a typical retail building the remaining sides cloak the back of house / functioning part of the retailer, including the back side of display cases, refrigeration, kitchen, etc. Recommend that green walls, plantings and other blank wall solutions from a best practices manual be utilized for the sides of retail buildings.

Response: Staff is unable to discern the difference between a proposed eighth frontage and no frontage at all. Not every mixed use property will receive a frontage. Where the character of an area does not require a frontage, no frontage will be

applied. Large retailers with ample front door parking between the building façade and street will typically not receive any frontage.

The second comment is related to the screening of large blank walls. The blank wall regulations in section 1.5.10 require treatment for large blank walls. The commenter suggests that landscaping could be used to break the mass of these walls. While not identified as a mitigating factor, it may be granted as an administrative alternate.

Recommendation: Staff recommends no change to the text.

Section 3.5.5.C

Comment A.18: The Transition Zone requirement of section 3.5.5.C, Wall Articulation, will be very difficult to meet, especially for parking structures. More flexibility of design solutions to break up a long wall is needed. Minimum 5 foot articulation can be a significant barrier for deck facades and seems too prescriptive to accomplish desired form. Modify to allow for design solutions that do not incorporate notch backs into the wall plane; solutions such as material changes.

Response: This section specifies the allowed uses in Zone C, and specifies building treatment for the rear building elevation where a transition is applied. The regulations require articulation on the rear elevation, once a building wall exceeds 50 feet in length. The commenter states that the wall articulation standards would be difficult, especially for parking structures. The intent of this regulation is to break the mass of building facades that face the residential neighborhood.

Recommendation: Staff suggests that this section be amended to be more similar to the blank wall area regulations listed in section 1.5.10. This section permits a change of materials or articulation to break the mass of a façade. Staff suggests that section 3.5.5.C be modified to read:

~~“The rear façade of the building that faces the residential property as described on Section 3.5.1.A is subject to the Blank Wall Area provisions stated in section 1.5.10. The blank wall area provisions are not subject to an Administrative Alternate.” Any portion of a rear wall plane cannot exceed 50 feet in length unless the wall is offset a minimum of five feet for a minimum distance of 15 feet.”~~

Section 3.2.5

Public Hearing Comment: Transparency for interior building space is troubling. MXD – 60% transparency is problematic.

Response: The issue of transparency percentage applied by building type is currently being researched by staff. Staff recommends that the item be deferred to allow a full discussion, complete with graphic renderings.

Recommendation: Defer to allow future discussion.

Planning Commission

- a. Need a definition of what “transparency” means. What types of alternates would be acceptable to meet the intent? Targets, gas stations, grocery stores

Response: Transparency is defined in chapter 1; while the actual standards are located in chapter 3. Transparency is regulated by building type. To be considered transparent, a window must be at least 8 feet in depth. All buildings in the mixed use districts require some level of ground floor transparency. Detached, attached, townhouse and apartment building types require at least 20% ground floor transparency.

- b. How is this reviewed when compared with “blank wall” treatment?

Response: Transparency can be used to break up a blank wall, thereby complying with the blank wall requirements. These are separate but related regulations.

- c. Look at examples of typical building form and what % transparency and blank wall exists. Is 60% suitable for ground floor in a mixed use building type? Is 40% suitable for ground floor in a general building type?

Response: Same as above – defer.

Discussion at Full Planning Commission 1/24/2012

Alternate Design process - Steve discussed alternates going to planning director, no people or individuals. The request goes to AC, PD, then the appeal goes to the BOA. The BOA mix doesn't provide for the design expertise. This should be brought to the attention of the CC and consideration should be given to the BOA.

Transparency – are the % right? What is the definition and how would an alternate be accepted? What might an applicant do to get an alternate approved? Transparency is for the pedestrian experience. It is also for views in general. The depth of 8' may need to be revisited. Does it only mean windows? What is the acceptable design flexibility?

Defining height – to top of building is positively received. In relation to topography, how is height dealt with. Default height will be 3 stories.

Parking in front of building is related to frontages – where will frontages be applied? Frontage mapping may occur through city zoning and private rezoning cases. With city mapping, frontages may be applied with the urban form map on the UDO site.

Chapter 3 basis is positive.

Staff comments

Section 3.1.1.F

Staff recommends that the description of the DX district be modified to reference the downtown. Section 3.1.1.F on page 3-2 should be amended to read:

“DX- is intended to provide for intense mixed use development of the City’s ~~urban-core~~ **downtown** area.”

Section 3.2.3

Finished floor elevation need to specify that non-residential uses in the townhouse and apartment building types do not need to meet 2 foot FFE.

Section 3.3.2

This height chart on page 3-12 contains the requirements for all buildings with a designated height. Line B3 and B4 propose the minimum percentage and depth for buildings with a minimum required height. The column that provides standards for a five story building should be revised. All figures contained within the column should be replaced with “**n/a**”.

Section 3.3.3

In subsection B2, replace the word “~~complies~~” with “**conforms**”. The Planning Commission has recommended this change elsewhere in the document for the administrative alternates.

Section 3.3.3.B.5 on page 3-13 should be amended to read:

“The building contains ~~superior~~ architectural treatments for delineating the base, middle and top of the building.”

Section 3.4.1

Section 3.4.1 on page 3-14 should be amended to read:

~~“Frontages place additional limitations beyond~~ **different requirements from** the base dimensional standards.”

Additionally, at the end of subsections B, C and D, add the words **“right-of-way”**.

Section 3.4

In the “Pedestrian Access” section, add the word “primary” to the beginning of section F1. This should be a global insertion for section 3.4.4 (Detached), 3.4.5 (Parking Limited), 3.4.6 (Green), 3.4.7 (Urban Limited), 3.4.8 (Urban General) and 3.4.9 (Shopfront).

Section 3.4.5

The frontages contain a cross reference to acceptable streetscape cross sections to be applied. The parking limited frontage contains a list of five streetscape cross section that may be applied: Main Street, Mixed Use, Commercial, Multi-way or Parking. These streetscape cross sections are detailed in section 8.5. Staff suggests removing the list in the parking limited frontage, as the streetscape may be varied based on the surrounding context.

Section 3.4.5.G on page 3-18 should be amended to remove the list of streetscape cross sections, to be replaced with:

“As determined by the Planning Director based upon adjacent built context.”

Section 3.4.6

The Green frontage contains specific language related to landscaping in subsection F. This language is similar in nature and intent to the protective yard encroachments listed for the Parkway frontage on page 3-16 (subsection F). Staff suggests that Section 3.4.6.F be modified to read:

“Landscape Yard Encroachments
F1: Driveways
F2: Ground Signs
F3: Pedestrian Access ways”

Section 3.5.1.B

Staff suggests clarifying the language for applicability of the neighborhood transitions for shallow lots. Section 3.5.1.B on page 3-23 should be amended to read:

“Zone B does not apply to sites 50 feet or less in depth. In such cases, Zone C starts **immediately adjacent to the Zone A protective yard.**” ~~at the inside edge of the Zone A protective yard (edge furthest from the district boundary line).~~

Section 3.5.2.A

Staff suggests that subsection A.1 on page 3-23 be amended to read:

“Intended to buffer and screen. Consists of vegetative landscaping and wall or fence. No buildings, **parking, stormwater facilities** or structures allowed.”

Section 3.5.3

This section provides the standards for the three options of a Zone A protective yard. Staff suggests the following modifications to section 3.5.3 on page 3-24:

A.1 should be modified to read: “A Type 1 protective yard ~~but~~ must be a **minimum** ~~an average of~~ at least 10 feet.”

B.1 should be modified to read: “A type 2 protective yard ~~but~~ must be an average width of at least 20 feet **with a minimum width of 10 feet.**”

C.1 should be modified to read: “A type 3 protective yard ~~but~~ must be an average width of at least 50 feet **with a minimum width of 10 feet.**”

C.3.a should be modified to read: “A fence or wall between six and ~~eight~~ **nine** feet in height may be installed.”

C.3.b should be modified to read: “In lieu of planting required shrubs, a berm with a minimum height of three feet may be installed **in accordance with section 7.2.4.D.4.**”